FACSIMILE COVER SHEET

Licata & Tyrrell P.C.

RECEIVED
CENTRAL FAX CENTER

→ PTOBF

66 E. Main Street Marlton, New Jersey

NOV 0 4 2004

Tel: (856) 810-1515 Fax: (856) 810-1454

November 4, 2004

TO: Examiner Hayes (TC1600)

GROUP: 1647

FAX NUMBER: 703-872-9306

ATTORNEY DOCKET NO.: UT-0037

SERIAL NO.: 10/025,333

FILED: December 19, 2001

NUMBER OF PAGES: 7

MESSAGE: Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement mailed October 5, 2004 and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!

If you have any questions, or did not receive the proper number of pages, or had trouble during transmission, please call 856-810-1515.

CONPIDENTIALITY NOTICE

The information contained in this thesimile message is legally privileged and confidential, and imended only for the use of the individual(s) and/or entity(ies) named above. If you are not the intended recipient, you are hereby notified that any unauthorized disclosure, copying distribution or taking of any action in reliance on the contents of the telecopied materials is strictly prohibited and review by any individual other than the intended recipient shall not constitute waiver of the amorney client privilege. If you have received this transmission in error, please immediately notify us by telephone in order to arrange for the return of the materials. Thank you.

CEDTIEICATE OF	CHE A BIOD STOOY OR I TO A CO									
CERTIFICATE OF Applicant(s): Rzo and P	Docket No.									
Thhinairial Travent	roscaei		UT-0037							
Application No.	Filing Date	Examiner	Comp Art Halt							
10/025,333	December 19, 2001	Hayes, Robert Clinton	Group Art Unit							
			1647							
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted										
Intermediate Precursor										
		•								
		RECE	IVEN							
		CENTRAL FA								
I harabu andik shat this	75.	NOV 0	1 2004							
I hereby certify that this		eply to Restriction Requirement (Idealify type of correspondence)								
Is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306										
		<u> </u>								
On November 4	<u>, 2004</u>		•							
(Date)										
		WF ALE A ID.								
	· ——	(Typed or Printed Name of Person Signs	Ina Cartificates							
	•	1/6	•							
		athlen H. Jun	41							
		(Signature)	/							
		_	•							
	•									
	Note: Each paper must hav	ve its own certificate of mailing.								
		· · · · · · · · · · · · · · · · · · ·								
,										
i		•								
			,							
			,							

Multiple Dependent Claims (check if applicable) TOTAL ADDITIONAL FEE FOR THIS AMENDMENT No additional fee is required for amendment. Please charge Deposit Account No. in the amount of A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. November 4, 2004 I certify that this correspondence is being ideposited with the United States Postal Service with sufficient postage as first day.	MENT	A A A A A A A A A A A A A A A A A A A					T,	_		
10/025,333 December 19, 2001 Hayes, Robert Clinton Cacase 1647 4765	Applicant(s): R	mall Er	etity)							
10/025,333 December 19, 2001 Hayes, Robert Clinton 26259 1647 4765 Invention: Generation, Characterization and Isolation of Nonroepithelial Stem Cells and Lineage Restricted Intermediate Precursor COMMISSIONER FOR PATENTS: RECEIVED Commissioner For Patents: RECEIVED CENTRAL FAX CENTER Applicant claims small entity status. See 37 CFR 1.27 NOV 0 4 2004 Applicant claims small entity status. See 37 CFR 1.27 NOV 0 4 2004 CLAIMS REMAINING Mighest 7 NUMBER EXTRA RATE ADDITIONAL AFTER AMENDMENT PREV. PAID FOR CLAIMS PRESENT RATE ADDITIONAL FEE TOTAL CLAIMS 14 20 = 0 x \$9.00 \$0.00 NIDEP, CLAIMS 5 5 0 0 x \$44.00 \$0.00 Multiple Dependent Claims (check if applicable) TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$0.00 No additional fee is required for amendment Please charge Deposit Account No. in the amount of A check in the amount of to cover the fling fee is enclosed. The Director is hereby suthorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \$0.1619 Many hatch it application processing fees under 37 C.F.R. 1.16. Any additional fling fees required under 37 C.F.R. 1.16. Any additional fling fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any additional fling fees required under 37 C.F.R. 1.16. Any patent application on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Advanced in Processing designed in Commissional to Tommissional tomorphism of the process of the p	Application No.	Filing Date	Examiner		Customer	No.	Group Art II	nit	Confirmation No.	
COMMISSIONER FOR PATENTS: CENTRAL FAX CENTER NOV 0 4 2004 Transmitted herewith is an amendment in the above-identified application. Applicant claims small entity status. See 37 CFR 1.27 The fee has been calculated and is transmitted as shown below. CLAIMS AS AMENDED CLAIMS REMAINING MICHEST # NUMBER EXTRA RATE FEE TOTAL CLAIMS 14 - 20 = 0 x \$9.00 INDEP. CLAIMS 5 - 5 = 0 x \$9.00 SOURCE CLAIMS 6 - 5 = 0 x \$44.00 SOURCE CLAIMS 6 - 5 = 0 x \$44.00 SOURCE CLAIMS 6 - 5 = 0 x \$44.00 SOURCE CLAIMS 6 - 5 = 0 x \$44.00 TOTAL ADDITIONAL FEE FOR THIS AMENDMENT SOURCE No additional fee is required for amendment. Please charge Deposit Account No. in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 59-1619 Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.16. Banking information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. And the provide credit card information and authorization on PTO-2038. Dated: November 4, 2004 November 4, 2004 November	10/025,333	December 19, 2001	Hayes, Robert Clin	iton				a til		
Transmitted herewith is an amendment in the above-identified application. Applicant claims small entity status. See 37 CFR 1.27 Applicant claims small entity status. See 37 CFR 1.27 The fee has been celculated and is transmitted as shown below. CLAIMS AS AMENDED	Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Linenge Restricted Intermediate Precursor									
Applicant claims small entity status. See 37 CFR 1.27 The fee has been calculated and is transmitted as shown below. CLAIMS AS AMENDED CLAIMS REMAINING HIGHEST # NUMBER EXTRA RATE FEE TOTAL CLAIMS 14 20 = 0 × \$9.00 \$0.00 INDEP. CLAIMS 5 - 0 × \$9.00 \$0.00 Multiple Dependent Claims (check if applicable)										
CLAIMS AS AMENDED CLAIMS REMAINING HIGHEST # NUMBER EXTRA AFTER AMENDMENT PREV. PAID FOR CLAIMS PRESENT FEE TOTAL CLAIMS 14 20 = 0 x \$9.00 \$0.00 INDEP. CLAIMS 5 5 = 0 0 x \$44.00 \$0.00 Multiple Dependent Claims (check if applicable)		hbiteand	pication.							
CLAIMS REMAINING AFTER AMENDMENT PREV. PAID FOR CLAIMS PRESENT RATE FEE TOTAL CLAIMS 14 - 20 = 0 x \$9.00 \$0.00 INDEP. CLAIMS 5 - 5 = 0 x \$44.00 \$0.00 Multiple Dependent Claims (check if applicable)	The fee has been calculated and is transmitted as shown below.									
AFTER AMENDMENT PREV. PAID FOR CLAIMS PRESENT RATE FEE TOTAL CLAIMS 14 - 20 = 0 x \$9.00 \$0.00 INDEP. CLAIMS 5 - 5 = 0 x \$44.00 \$0.00 Multiple Dependent Claims (check if applicable)			CLAIMS AS AM	ENDED						
TOTAL CLAIMS 14 - 20 = 0 x \$9.00 \$0.00 INDEP. CLAIMS 5 - 0 x \$44.00 \$0.00 Multiple Dependent Claims (check if applicable) \$0.00 TOTAL ADDITIONAL FEE FOR THIS AMENDMENT \$0.00 No additional fee is required for amendment. Please charge Deposit Account No. in the amount of A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Dated: November 4, 2004 Kathleen A. Tyrrell P.C. 6c East Main Street MarIton, New Jersey 08053 Tel: 856-810-1454 Signature of Person Multing Correspondence Signature of Person Multing Correspondence	J	CLAIMS REMAINING	HIGHEST #	NUMBE	R EXTRA		DATE		ADDITIONAL	
Multiple Dependent Claims (check if applicable) TOTAL ADDITIONAL FEE FOR THIS AMENDMENT S0.00 TOTAL ADDITIONAL FEE FOR THIS AMENDMENT No additional fee is required for amendment. Please charge Deposit Account No. In the amount of A check in the amount of In the amount of A check in the amount of A check in the amount of to cover the filling fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. Any additional filling fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. Dated: November 4, 2004 Licata & Tyrrell P.C.			PREV. PAID FOR	CLAIMS	PRESENT		KATE		FEE	
Multiple Dependent Claims (check if applicable) TOTAL ADDITIONAL FEE FOR THIS AMENDMENT No additional fee is required for amendment. Please charge Deposit Account No. A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Dated: November 4, 2004 Continued Status Postal Service with sufficient postage as first claimain in an envelope addressed to "Commissioner for Patients, P. Sox 1450, Alexandria, VA 22313-1450" [37 CFR 1.9(a)] on the continued on this form. Provide credit card information and authorization on PTO-2038. Dated: November 4, 2004 Continued Status Postal Service with sufficient postage as first claimain in an envelope addressed to "Commissioner for Patients, P. Sox 1450, Alexandria, VA 22313-1450" [37 CFR 1.9(a)] on the continued o			20 =		0	X	\$9.00		\$0.00	
No additional fee is required for amendment. Please charge Deposit Account No.					0	x	\$44.00		\$0.00	
No additional fee is required for amendment. Please charge Deposit Account No. in the amount of A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. Dated: November 4, 2004 Kathleen A. Tyrrell Reg. No. 38;350 Licata & Tyrrell P.C. 66 East Main Street Mariton, New Jersey 08053 Tel: 856-810-1515 Fax: 856-810-1454 Signature of Person Mailing Correspondence Signature of Person Mailing Correspondence	Multiple Dependent Claims (check if applicable)								\$0.00	
Please charge Deposit Account No. in the amount of A check in the amount of to cover the filling fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 Any additional filling fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 C.F.R. 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. Dated: November 4, 2004 Continued States Postal Service with sufficient postage as first date in an envelope addressed to "Commissioner for Patents, P. Box 1450, Alexandria, VA 22313-1450" [37 C.F.R. 1.6(a)] on		TOTAL ADDITIONAL FEE FOR THIS AMENDMENT							\$0.00	
xc:	Please charge Deposit Account No. in the amount of A check in the amount of to cover the filing fee is enclosed. The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 Any additional filing fees required under 37 C.F.R. 1.16. Any patent application processing fees under 37 CFR 1.17. Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card Information and authorization on PTO-2038. Dated: November 4, 2004 Certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. 8ox 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on (Dafe)									
	·C:									

PTOBF
RECEIVED
CENTRAL FAX CENTER

NOV 0 4 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.:

UT-0037

Inventors:

Rao and Proschel

Serial No.:

10/025,333

Filing Date:

December 19, 2001

Examiner:

Hayes, Robert Clinton

Customer No.:

26259

Group Art Unit:

1647

Confirmation No.:

4765

Title:

Generation, Characterization and

Isolation of Neuroepithelial Stem Cells

and Lineage Restricted Intermediate

Precursor

Certificate of Facsimile Transmission

I hereby certify that this document is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

On November 4, 2004

Kamileen A. Tyrrell, Registration No. 38,350

Mail Stop

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed October 5, 2004 setting a one (1) month statutory period for response. Please enter the following remarks into the récord. Remarks being at page 2.

Attorney Docket No.:

UT-0037

Inventors:

Rao and Proschel

Serial No.:

10/025,333

Filing Date:

December 19, 2001

Page 2

REMARKS

Claims 21 through 34 are pending in the instant patent application. Claims 21-34 have been subjected to a Restriction Requirement as follows:

Group I, canceled claims 1-15 and new claim 33, drawn to populations of mammalian CNS neuroepithelial stem cells, classified in class 435, subclass 325;

Group II, canceled claims 16-20 and new claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, classified in class 435, subclass 368;

Group III, claims 21-25, drawn to a method of isolating mammalian CNS neuroepithelial stem cells involving co-culturing glial and neuronal cells, classified in class 435, subclass 373;

Group IV, claims 26-30, drawn to a method of isolating mammalian CNS glial-restricted precursor cells using antibodies to capture these cells, classified in class 435, subclass 395; and

Group V, claims 31-32, drawn to a method of generating a population of mammalian CNS motoneurones, classified in class 435, subclass 377.

The Examiner suggests that these Groups are distinct because they are directed to different products which appear to

Attorney Docket No.:

UT-0037

Inventors:

Rao and Proschel

Serial No.:

10/025,333

Filing Date:

December 19, 2001

Page 3

constitute patentably distinct inventions. Further, the Examiner suggests that their different classification and the lack of coextensiveness of the search would constitute an undue burden on the Examiner.

Applicants respectfully traverse this Restriction Requirement.

In accordance with MPEP \$ 803, there are two criteria which must be met for a proper restriction requirement. The first is that the inventions be independent or distinct; the second is that there would be serious burden on the Examiner if the restriction is not required. Searching for art relating to the cells of Groups I or II will clearly reveal any art relating to methods for isolation thereof as set forth in Groups III and IV, respectively or cells derived therefrom as set forth in Group V. Further, it is respectfully pointed out that the instant application is a continuation application of U.S. Patent Application Serial No. 08/852,744 and a search by the Examiner of the instant application of prior art relating to mammalian CNS neuroepithelial stem cells and mammalian CNS glial-restricted precursor cells was already performed. Thus, no serious burden is placed upon the Examiner by including all Groups, or at least Groups I and II, in the prosecution of this case.

Attorney Docket No.:

UT~0037

Inventors:

Rao and Proschel

Serial No.:

10/025,333

Filing Date:

December 19, 2001

Page 4

In contrast, the economic burden on Applicant by restricting this application into five separate applications is quite serious and may prohibit Applicant from obtaining the full patent coverage to which they are entitled.

Accordingly, withdrawal of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group II, claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, with traverse.

Applicants believe this reply to be completely responsive to this Restriction Requirement.

Respectfully submitted,

Kathleen A. Tyrsell

Registration No. 38,350

Date: November 4, 2004

Licata & Tyrrell P.C. 66 E. Main Street Marlton, New Jersey 08053

(856) 810-1515